

RECEIVED  
CENTRAL FAX CENTER

JUN 03 2009

# FAX TRANSMISSION

DATE: June 3, 2009  
REF. NO.: TSR-10002/38, *Serial No. 10/706,738, Appeal No. 2008-5483*  
MESSAGE TO: Board of Patent Appeals and Interferences  
COMPANY: U.S. Patent and Trademark Office  
FAX NUMBER: (571) 273-0299  
PHONE:  
FROM: Avery N. Goldstein, Ph.D.  
PHONE: (248) 647-6000

PAGES (Including Cover Sheet): 1 HARD COPY TO FOLLOW: ☐ YES ☒ NO

MESSAGE:

Dear Madam:

Please be advised that we wish to withdraw from appeal at this time. Therefore, please remove the above-referenced appeal from the June 9, 2009 appeal docket. We will be filing a RCE in lieu of this appeal.

Best regards,

/Avery N. Goldstein/

Avery N. Goldstein, Ph.D., Reg. No. 39,204

cc: USPTO Central Office: 571-273-8300

If your receipt of this transmission is in error, please notify this firm immediately by collect call to sender at (248) 647-6000 and send the original transmission to us by return mail at the address below.

**This transmission is intended for the sole use of the individual and entity to whom it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. You are hereby notified that any dissemination, distribution or duplication of this transmission by someone other than the intended addressee or its designated agent is strictly prohibited.**

GIFFORD, KRASS, SPRINKLE, ANDERSON & CITKOWSKI, P.C.  
2701 Troy Center Drive, Suite 330, Post Office Box 7021, Troy, Michigan 48007-7021  
Telephone: (248) 647-6000 Facsimile: (248) 647-5210